

**UNITED STATES COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**STEVEN G. ROSSER
WHITNEY R. LANCASTER.**

Defendant.

Case No. 2:20-CR-62

JUDGE MORRISON

JOINT PROPOSAL OF SCHEDULE FOR TRIAL

Consistent with the previously filed joint motion for continuance of the August 23, 2021, trial date, the parties hereby file this joint proposal of schedule for the new trial date.

Unfortunately, as discussed further below, the parties were unable to agree on a specific trial date and defer to this Court and its schedule for that final determination. However, the parties have agreed that the proposed schedule set forth below can be applied to whatever trial date this Court selects and will result in an efficient and timely resolution of issues related to trial in this case.

The parties have agreed to the following trial deadlines and urge the Court to incorporate them in any subsequent new Trial Order:

- 12 weeks from trial date – all motions to dismiss (Govt 14 days to respond)
- 10 weeks from trial date – all motions to suppress and/or sever (Govt 14 days to respond)
- 8 weeks from trial date – written notice of experts from all parties
- 6 weeks from trial date – disclosure by Govt of “preliminary Jencks” materials
- 4 weeks from trial date – jury instructions submitted; Lafler hearings held this week
- 2 weeks from trial date – disclosure by Govt of “sensitive Jencks” materials

As previously noted, the parties also have agreed that this trial can properly be considered an “unusual or complex” case pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) allowing for all time to be considered “excludable” time pursuant to the Speedy Trial Act.

The parties have agreed that a trial date in this case should be scheduled sometime between November 2021 and February 2022. It is anticipated that the trial in this case will be of duration of at least one and certainly no more than two weeks in total. Government counsel seeks a trial date in late January 2022 or February 2022. Counsel for Lancaster seek a trial date in either November or December of this year (if this option is chosen by this Court, government counsel would request no sooner than the second week of November due to other scheduling conflicts). Counsel for Rosser refused to break the tie among the parties and is willing to try the case whenever this Court deems appropriate. Ultimately, all parties will abide by the trial scheduling chosen by this Court and we appreciate the opportunity to make the above suggestions.

The parties request that the August 23, 2021, trial date be continued and that the proposed deadlines set forth above be incorporated in the new trial schedule.

Respectfully submitted,

VIPAL J. PATEL
ACTING UNITED STATES ATTORNEY

s/Kevin W. Kelley
KEVIN W. KELLEY (0042406)
NOAH R. LITTON (0090479)
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Proposal of Schedule for Trial was served on attorneys for defendants David Thomas, Kathryn Wallrabenstein and Robert Krapenc via this Court's ECF system on July 28, 2021.

s/Kevin W. Kelley
KEVIN W. KELLEY (0042406)
Assistant U.S. Attorney